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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,009	06/26/2001	Satchidanand Mishra	D/99021D	2624
27885	7590	03/07/2006	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			NGUYEN, THUKHANH T	
			ART UNIT	PAPER NUMBER
			1722	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/892,009		MISHRA ET AL.	
	Examiner		Art Unit	
	Thu Khanh T. Nguyen		1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,12,15-20,22-24,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,12,15-20,22-24,26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-12, 15-20, 22-24 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mammino et al (5,552,005) in view of Nelson (5,087,495).

Mammino et al disclose an apparatus for forming a flexible imaging sheet, comprising a lower support member (82) having a smooth upper flat surface to receive and support a seam region of a welded seamed flexible imaging member belt (10), a heating element (72) having a heatable flat surface which has a width of about 6mm (1/4 inches; col. 10, lines 62-65), means (76) for moving the heating strip toward and contact the flexible sheet (10; col. 11, lines 9-12), wherein the lower support member and the upper heating element are located to be in direct contact with the flexible member (col. 11, lines 9-14), a welding tool (142) and a heatable finishing roller (145) for welding and finishing the end regions (12, 14) of the flexible member (10); wherein the welding tool and the heatable finishing roller is movable transversely across the seam region.

Mammino et al fails to disclose a rotatable compression wheel.

Nelson teaches an apparatus for transferring xerographic images, comprising a pair of pressure elements (Figs. 4-8, 71, 72) with a lower support member having a smooth upper surface (72) and an upper heatable strip (35, 38) having a smooth surface (Fig. 2), a pair of

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rotatable compression wheel (71, 75) having a Teflon surface parallel to the surface of the lower support member (col. 5, lines 66-68), wherein the lower support member and the upper heatable strip are directly contact the flexible imaging transfer sheet (Figs. 4-5).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Mammino et al by replacing the movable welding means and heatable finishing roller with a heatable rotatable compression wheel as taught by Nelson, in order to provide one single element that can compress and weld the seam region of the flexible image at the same time.

In regard to claim 12, when the compression wheel is replaced as taught by Nelson above, it would be capable of compress the strip against the seam.

In regard to claims 15-16 and 26-27, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Mammino et al by providing an upper compression wheel as taught by Nelson as described above; wherein the compression wheel has a flat contact surface being coated with Teflon (Nelson, col. 5, lines 66-68) in order to prevent the roller from stick to the flexible member.

In regard to claim 17, wherein the heatable strip is a nickel foil (Mammino, col. 10, lines 62-64) ; wherein the strip is capable of raising the temperature of the seam area to a predetermined temperature to weld the seam region (col. 11, lines 4-9).

In regard to claims 18-20, Mammino fails to disclose that the heating means is made of an electrically resistive material or a composite device and comprises an imbedded resistance wires. Nelson discloses that the heatable member (35, 71) made of an adhesive tape, or aluminum, or silicone rubber with a resilient material formed at the contact area (col. 5, lines 39-

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43, line 65 to col. 6, lines 2), wherein the adhesives tape and the resilient material on the surface of the heating member are plastic and electrically resistive material. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the heating strip of Mammino by providing a plurality of heater embedded in a plastic heating means as taught by Nelson, in order to selectively heat the seam region during the welding process.

Response to Arguments

3. Applicant's arguments with respect to claims 11-12, 15-20, and 22-27 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argued that Nelson fails to disclose that the compression wheel move transversely across the seam region. However, the movement of the compression wheel will depend on the orientation of the seam region that is positioned on the support member, and does not effect the operation of the compression wheel on the flexible material. Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than function. In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). "[A]pparatus claims cover what a device *is*, not what a device *does*." Hewlett- Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990). (Emphasis in original)

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 571-272-1136. The examiner can normally be reached on Monday- Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN

DUANE SMITH
PRIMARY EXAMINER

D-S
3-6-06